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Lead Counsel for the Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD GREGORY, On Behalf of Himself)
and All Others Similarly Situated,)

Plaintiff,)

vs.)

CHIRON CORPORATION, HOWARD H.)
PIEN, JOHN A. LAMBERT and DAVID V.)
SMITH,)

Defendants.)

Case No. C-04-4293-VRW

CLASS ACTION

REQUEST TO MODIFY SETTLEMENT
NOTICE DUE TO RECENT EVENTS

REQUEST TO MODIFY SETTLEMENT NOTICE DUE TO RECENT EVENTS

CASE NO.: C-04-4293-VRW

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1 In light of recent events involving class counsel, Milberg LLP, Lead Plaintiff hereby
 2 requests that certain language included in the Notice of Class Action and Proposed Settlement
 3 Thereof, Motion for Attorneys' Fees and Settlement Fairness Hearing ("Settlement Notice"),
 4 approved by the Court on June 18, 2008 (Exhibit 2, page 14), be modified to state as follows:

5
 6 Milberg LLP was formerly known as Milberg Weiss Bershad & Schulman
 7 LLP. On May 18, 2006 in the United States District Court for the Central District
 8 of California (Los Angeles), Milberg Weiss Bershad & Schulman LLP and two of
 9 its partners, David J. Bershad and Steven G. Schulman, and others, were named as
 10 defendants in an indictment. On September 20, 2007 a superseding indictment
 11 was filed which added Melvyn I. Weiss as a named defendant. The indictments
 12 alleged that, in certain cases identified in the indictments, portions of attorneys'
 13 fees awarded to the firm were improperly shared with certain plaintiffs. ~~Milberg~~
~~LLP has pleaded not guilty.~~ The three partners named in the indictments have left
 14 the firm and have ~~agreed to plead~~pleaded guilty to a charge of conspiracy. The
 15 indictments do not refer to this action, and make no allegations of any impropriety
 16 in the conduct of this action.

17 On June 16, 2008, Milberg LLP entered into a non-prosecution case
 18 disposition agreement with the government providing for dismissal of the
 19 indictment against Milberg LLP and payment of \$75 million over the next five
 20 years due to conduct by its former senior partners. The government determined
 21 that dismissal of the indictment and non-prosecution of Milberg LLP were
 22 appropriate in light of its belief that "no attorney currently a partner or associate
 23 with Milberg LLP is criminally culpable" with respect to conduct charged in the
 24 indictment, and recognized that the former senior partners who had engaged in
 25 misconduct "took affirmative steps to conceal their illegal activities from other
 26 partners, associates, and employees of the Firm."

27 Defendants were notified of the proposed change, and do not object to this new language.

28 DATED: June 18, 2008

MILBERG LLP
 JEFF S. WESTERMAN
 ELIZABETH P. LIN

/s/ Jeff S. Westerman
 JEFF S. WESTERMAN

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Lead Counsel for the Class

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